

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

KATHLEEN JULIE WASHPON,

Plaintiff,

v.

LONE STAR CIRCLE OF CARE AT TEXAS
A&M HEALTH SCIENCE CENTER, et al.,

Defendants.

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1:24-CV-309-RP

ORDER

Before the Court is the report and recommendation from United States Magistrate Judge Susan Hightower concerning Plaintiff Kathleen Julie Washpon's ("Plaintiff") complaint pursuant to 28 U.S.C. § 1915(e). (R. & R., Dkt. 6). Pursuant to 28 U.S.C. § 636(b) and Rule 1(d) of Appendix C of the Local Rules of the United States District Court for the Western District of Texas, Judge Hightower issued her report and recommendation on April 25, 2024. (*Id.*). As of the date of this order, Plaintiff has not filed objections to the report and recommendation.

Pursuant to 28 U.S.C. § 636(b), a party may serve and file specific, written objections to a magistrate judge's proposed findings and recommendations within fourteen days after being served with a copy of the report and recommendation and, in doing so, secure *de novo* review by the district court. When no objections are timely filed, a district court can review the magistrate's report and recommendation for clear error. *See* Fed. R. Civ. P. 72 advisory committee's note ("When no timely objection is filed, the [district] court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.").

Because Plaintiff has not filed timely objections, the Court reviews the report and recommendation for clear error. Having done so and finding no clear error, the Court accepts and adopts the report and recommendation as its own order.

Accordingly, the Court **ORDERS** that the report and recommendation of the United States Magistrate Judge, (Dkt. 6), is **ADOPTED**. Plaintiff's complaint, (Dkt. 1), is **DISMISSED WITHOUT PREJUDICE**.

As noted in the report and recommendation, this is Plaintiff's seventh consecutive filing that has either been dismissed as frivolous or lacking subject matter jurisdiction. (*See* R. & R., Dkt. 6, at 6–7). The Court has previously warned Plaintiff that future frivolous cases may result in the imposition of court costs or attorneys' fees. *Washpon v. Progressive Corp.*, No. 1:23-cv-1239-RP, 2024 WL 874721, at *3 (W.D. Tex. Jan. 26, 2024). The Court repeats that admonishment here to provide Plaintiff with one final warning—Plaintiff's next complaint that is dismissed as frivolous shall result in the Court barring her from filing future complaints without leave of court. Future frivolous filings may also result in the imposition of monetary sanctions.

IT IS FINALLY ORDERED that the Clerk's Office mail a copy of this Order to Plaintiff via certified mail.

SIGNED on June 24, 2024.



ROBERT PITMAN
UNITED STATES DISTRICT JUDGE